

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 LAVERN CHARLES FASTHORSE,
4 Plaintiff
5 v.
6 STATE OF NEVADA,
7 Defendant

Case No. 2:19-cv-01442-KJD-BNW

ORDER

8
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint. (ECF No. 1-1). Plaintiff has neither paid
12 the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

13 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
14 application to proceed *in forma pauperis* and attach both an inmate account statement
15 for the past six months and a properly executed financial certificate. The Court will retain
16 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
17 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an
18 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
19 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file
20 a fully complete application to proceed *in forma pauperis*, including both an inmate
21 account statement for the past six months and a properly executed financial certificate.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
24 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
25 as the document entitled information and instructions for filing an *in forma pauperis*
26 application.

27 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
28 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on

1 the correct form with complete financial attachments in compliance with 28 U.S.C. §
2 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
3 fee and the \$50 administrative fee).

4 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
5 dismissal of this action may result.

6 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
7 (ECF No. 1-1) but will not file it at this time.

8 DATED: August 26, 2019

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10 UNITED STATES MAGISTRATE JUDGE